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DORSEY & WHITNEY, LLP INTELLECTUAL PROPERTY DEPARTMENT 370 SEVENTEENTH STREET SUITE 4700 DENVER, CO 80202-5647				
			EXAMINER RAMPURIA, SHARAD K	
			ART UNIT 2683	PAPER NUMBER 4
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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/834,649

Applicant(s)

MEYER ET AL.

Examiner

Sharad K. Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## DETAILED ACTION

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maxwell.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, 7, 9-10, 12-18, 21, 23-24, 26-28, are rejected under 35 U.S.C. 102 (e) as being anticipated by Chern et al.

1. Regarding claim 1, Chern disclosed A method for providing a response to a request (851; fig.15; col.13; 24-36, col.14; 9-20) from a wireless device comprising:  
receiving a request from a wireless device associated with a particular user; (user's profile; col.13; 51-64)

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retrieving data for responding to the request; (862,872; fig.16; col.13; 51-64)

determining that secondary data exists for the user; (ad message appended to the alert message; 864, 874; fig.16; col.13; 51-64)

associating the retrieved data with an indication of the secondary data to generate a response; and transmitting the response to the wireless device. (col.13; 51-64 & 37-50 & col.11; 21-60)

2. Regarding claim 2, Chern disclosed The method of claim 1 wherein the associating step includes:

generating a data stream containing the retrieved data and the secondary data; (864, 874; fig.16; col.13; 51-64 & 37-50)

and formatting the data stream for transmission to the wireless device. (864, 874; fig.16; col.13; 51-64 & 37-50)

3. Regarding claim 3, Chern disclosed The method of claim 1 wherein the determining step includes:

obtaining an identifier for the user; (user's profile; 804; fig.17; col.14; 9-40) and

performing at least one task related to the user's identifier. (user's profile; 804; fig.17; col.14; 9-40)

4. Regarding claim 4, Chern disclosed The method of claim 1 wherein the retrieving step

includes sending data for the request to a process that can respond to commands and data for

generating a response to the request. (col.5; 41-58)

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7. Regarding claim 7, Chern disclosed The method of claim 1 wherein the associating step includes providing within the response a first indication identifying the retrieved data (driving directions; col.5; 59-col.6; 12) and a second indication identifying the secondary data. (particular type of businesses; col.6; 13-34)

9. Regarding claim 9, Chern disclosed A method for processing and presenting via a wireless device a response to a request (851; fig.15; col.13; 24-36, col.14; 9-20), comprising:  
transmitting from a wireless device a request associated with a particular user; (ad message appended to the alert message; 864, 874; fig.16; col.13; 51-64)  
receiving a response to the request; (862,872; fig.16; col.13; 51-64)  
determining that the response includes data for responding to the request and an indication of secondary data for the user; (864, 874; fig.16; col.13; 51-64 & 37-50) and  
presenting the response including an indication of the secondary data. (col.13; 51-64 & 37-50)

10. Regarding claim 10, Chern disclosed The method of claim 9 wherein the receiving step includes receiving a data stream having the secondary data encoded with data for the request. (864, 874; fig.16; col.13; 51-64 & 37-50 & particular type of businesses; col.6; 13-34)

12. Regarding claim 12, Chern disclosed The method of claim 9 wherein the transmitting step includes using a browser program to format the request for wireless network transmission. (860, 870; fig.16; col.13; 51-64 & col.7; 50-65 )

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13. Regarding claim 13, Chern disclosed The method of claim 9 wherein the presenting step includes providing a visual indication of the response including the secondary data. (860, 870; fig.16; col.13; 51-64 & col.7; 50-65)

14. Regarding claim 14, Chern disclosed The method of claim 9 wherein the presenting step includes providing an audible indication of the response including the secondary data. (col.7; 50-65)

15. Regarding claim 15, Chern disclosed An apparatus for providing a response to a request (851; fig.15; col.13; 24-36, col.14; 9-20) from a wireless device, comprising:  
a receive module for receiving a request from a wireless device associated with a particular user; (user's profile; col.13; 51-64)  
a retrieve module for retrieving data for responding to the request; (862,872; fig.16; col.13; 51-64)  
a determine module for determining that secondary data exists for the user; (864, 874; fig.16; col.13; 51-64)  
an associate module for associating the retrieved data with an indication of the secondary data to generate a response; (ad message appended to the alert message; 864, 874; fig.16; col.13; 51-64) and  
a transmit module for transmitting the response to the wireless device. (col.13; 51-64 & 37-50)

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16. Regarding claim 16, Chern disclosed The apparatus of claim 15 wherein the associate module includes:

a module for generating a data stream containing the retrieved data (864, 874; fig.16; col.13; 51-64 & 37-50) and

the secondary data; and a module for formatting the data stream for transmission to the wireless device. (ad message appended to the alert message; 864, 874; fig.16; col.13; 51-64 & 37-50)

17. Regarding claim 17, Chern disclosed The apparatus of claim 15 wherein the determine module includes:

a module for obtaining an identifier for the user; (user's profile; 804; fig.17; col.14; 9-40) and

a module for performing at least one task related to the user's identifier. (user's profile; 804; fig.17; col.14; 9-40)

18. Regarding claim 18, Chern disclosed The apparatus of claim 15 wherein the retrieve module includes a module for sending data for the request to a process that can respond to commands and data for generating a response to the request. (col.5; 41-58)

21. Regarding claim 21, Chern disclosed The apparatus of claim 15 wherein the associate module includes a module for providing within the response a first indication identifying the retrieved data (driving directions; col.5; 59-col.6; 12) and a second indication identifying the secondary data. (particular type of businesses; col.6; 13-34)

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23. Regarding claim 23, Chern disclosed An apparatus for processing and presenting via a wireless device a response to a request, (851; fig.15; col.13; 24-36, col.14; 9-20) comprising:  
a transmit module for transmitting from a wireless device a request associated with a particular user; (user's profile; col.13; 51-64)  
a receive module for receiving a response to the request; (862,872; fig.16; col.13; 51-64)  
a determine module for determining that the response includes data for responding to the request and an indication of secondary data for the user; (ad message appended to the alert message; 864, 874; fig.16; col.13; 51-64) and  
a presentation module for presenting the response including an indication of the secondary data. (col.13; 51-64 & 37-50)

24. Regarding claim 24, Chern disclosed The apparatus of claim 23 wherein the receive module includes a module for receiving a data stream having the secondary data encoded with data for the request. (864, 874; fig.16; col.13; 51-64 & 37-50 & particular type of businesses; col.6; 13-34)

26. Regarding claim 26, Chern disclosed The apparatus of claim 23 wherein the transmit module includes a module for using a browser program to format the request for wireless network transmission. (860, 870; fig.16; col.13; 51-64 & col.7; 50-65)



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27. Regarding claim 27, Chern disclosed The apparatus of claim 23 wherein the presentation module includes a module for providing a visual indication of the response including the secondary data. (860, 870; fig.16; col.13; 51-64 & col.7; 50-65)

28. Regarding claim 28, Chern disclosed The apparatus of claim 23 wherein the presentation module includes a module for providing an audible indication of the response including the secondary data. (col.7; 50-65)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5-6, 8, 11, 19-20, 22 & 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al. in view of Bossemeyer, JR. et al.

5. Regarding claim 5, Chern disclosed all the particulars of the claim except checking a status of flags associated with the user. However, Bossemeyer teaches in an analogous art, that The method of claim 1 wherein the determining step includes checking a status of flags associated with the user to determine if the status indicates existence of the secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of

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invention to include checking a status of flags associated with the user in order to provide message notification.

6. Regarding claim 6, Chern disclosed all the particulars of the claim except status of flags. However, Bossemeyer teaches in an analogous art, that The method of claim 5, further including updating the status of the flags. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include status of flags in order to provide message notification.

19. Regarding claim 19, Chern disclosed all the particulars of the claim except checking a status of flags associated with the user. However, Bossemeyer teaches in an analogous art, that The apparatus of claim 15 wherein the determine module includes a module for checking a status of flags associated with the user to determine if the status indicates existence of the secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include checking a status of flags associated with the user in order to provide message notification.

20. Regarding claim 20, Chern disclosed all the particulars of the claim except status of flags. However, Bossemeyer teaches in an analogous art, that The apparatus of claim 19, further including a module for updating the status of the flags. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include checking a status of flags associated with the user in order to provide message notification.

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8. Regarding claim 8, Chern disclosed The method of claim 1, further including:  
receiving secondary data for the user; (particular type of businesses; col.6; 13-34)  
saving and associating the received secondary data with the user; (col.11; 21-47) and

Chern fails to disclosed an indication. However, Bossemeyer teaches in an analogous art, that a module for providing an indication of the existence of the saved secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an indication in order to provide message notification.

22. Regarding claim 22, Chern disclosed The apparatus of claim 15, further including:  
a module for receiving secondary data for the user; (particular type of businesses; col.6; 13-34)  
a module for saving and associating the received secondary data with the user; (col.11; 21-47)

Chern fails to disclosed an indication. However, Bossemeyer teaches in an analogous art, that a module for providing an indication of the existence of the saved secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an indication in order to provide message notification.

11. Regarding claim 11, Chern disclosed all the particulars of the claim except an indication. However, Bossemeyer teaches in an analogous art, that The method of claim 10 wherein the determining step includes parsing the data stream to detect the indication of the secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an indication in order to provide message notification.

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25. Regarding claim 25, Chern disclosed all the particulars of the claim except an indication. However, Bossemeyer teaches in an analogous art, that The apparatus of claim 24 wherein the determine module includes a module for parsing the data stream to detect the indication of the secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an indication in order to provide message notification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Thu. (8:00-5:30) alternate Fri.( 8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad K. Rampuria  
October 1, 2003

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600